

PROBATE CALENDAR NOTES

December 18, 2020

8:30 AM, Department 40

Placer County Superior Court

Published December 14, 2020, 3:45 PM

Updated December 15, 2020, 12:00 noon

For current local court COVID-19 information, visit:
<http://www.placer.courts.ca.gov/general-covid-19.shtml>

Telephonic remote appearances are strongly encouraged. See Local Rule 10.28 concerning remote appearances.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to potential delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.*

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **December 18, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0002760 Helwig, Edwin A. - In Re the Estate Of

Appearance is required for continued status hearing, continued petition to remove executor, and continued 4th account.

 Remote telephonic appearances are strongly encouraged.

2. S-PR-0004029 Jones, Rosalyn M; In re conservatorship of

Conservatorship account—as modified—is recommended for approval as prayed, with a recommendation the court decline to grant any powers related to sale of real property until the additional petition is heard.

3. S-PR-0009034 Josefina S. Guiuan Liv Trust; In re the

Amended petition to determine trust property, remove occupants, and for other relief

Appearance is required for continued hearing on amended petition to determine trust property, remove occupants and for other relief.

Current status is needed.

Petition for instructions & trustee account

Appearance is required for continued hearing on petition for instructions and trustee account.

It is recommended the requests for instructions (dismissal of pending litigation; determination not to pursue claims against estate of former trustee) be denied as not reasonably necessary for the protection of the interests of the trustee or any beneficiary, Prob.C. § 17202. Trust administration should proceed expeditiously and free of judicial intervention to the extent possible, Prob.C. § 17209. There is no apparent need here for the court to instruct the trustee on these questions.

Current status is needed.

☎ Remote telephonic appearances are strongly encouraged.

4. S-PR-0009623 Eon Vergara Spec Needs Trust; In re the

Appearance is required for continued hearing on 1st SNT account, request for fees and costs, and to approve SNT expenditures.

☎ Remote telephonic appearances are strongly encouraged.

5. S-PR-0009914 O'Ray-King, Donna Maria- In re the Estate of

Appearance is required for continued hearing on amended petition for final distribution.

Clarification is needed: petitioner alleges that counsel agreed to a reduced fee and appears to show that \$9,000 of the reduced fee was paid in advance without court authorization. Fees may not be paid by personal representative or received by counsel without prior approval, and the court may surcharge personal representative and

counsel with interest for improperly paid fees, C.R.C. 7.700. Account appears to show fees were paid out of escrow on the sale of estate real property without explanation or legal support. Petitioner should show the legal basis for the escrow distribution to counsel. The court may consider an order to show cause to personal representative and counsel as to why they or either of them should not be surcharged in the amount of \$9,000 plus interest as provided in C.R.C. 7.700.

Revised prayer is needed: contrary to the allegations of the petition, property to be distributed to known distributees whose whereabouts are unknown is not distributed to the State of California; instead, it is delivered to the county treasurer of the county in which the proceedings are pending. Prob.C. §§ 11850(a), 11851(a). Request to distribute to Sacramento County treasurer does not comply with these sections.

Revised prayer and proposed order are needed: any order for such distribution must name alternate distributees under Prob.C. § 11603(c).

Clarification is needed: petitioner should clarify the intended meaning of these statements in the Petition t 6:14-18: "Currently, they unanimously refuse to take possession of their brothers' shares as their own. But will wait until prior to the expiration of time with the county treasurer, with the court's permission."

☎ Remote telephonic appearances are strongly encouraged.

6. S-PR-0010000 Josefina S Guiuan Liv Trust; In re the

Appearance is required for continued hearing on petition to determine trust property.

Missing amended petition to determine trust property. The minutes of the January 17 hearing indicate an amended petition was anticipated for the March 27 hearing. None was filed.

It is recommended the petition to determine trust property be denied. There is no evidence of trust funding of the subject accounts by settlor. The "release" by Merlo Guiuan does not mention one of the subject accounts and appears to be insufficient to transfer the accounts to the trustee. This recommendation is not a tentative ruling on the merits of the petition. Local Rule 80.1.4.

☎ Remote telephonic appearances are strongly encouraged.

7. S-PR-0010088 Smith, Lloyd - In Re Estate of

Petition for final distribution is recommended for approval as prayed.

8. S-PR-0010121 Angela Marie Lopes Trust - In re the

Appearance is required for continued hearing on amended petition to approve resignation of trustee and appointment of successor trustee, and to approve trustee accounts.

First trustee account

It is recommended approval of the first trustee account be denied for the reasons indicated in previous calendar notes.

Amended second trustee account

It is recommended approval of the amended second trustee account be denied for the reasons indicated in previous calendar notes.

☎ Remote telephonic appearances are strongly encouraged.

9. S-PR-0010142 Riesco, Mario; In re the Matter of

Appearance is required for continued hearing on petition to compel third party to honor power of attorney.

Missing 15 days' personal service of notice of hearing to Transamerica. Service by mail is not sufficient, Prob.C. § 4544(b).

It is recommended that this matter be dropped from calendar due to petitioner's failure to address the calendar notes after several hearings.

☎ Remote telephonic appearances are strongly encouraged.

10. S-PR-0010150 Smull Fam Rev Trust ; In re the

Appearance is required for continued hearing on petition to compel trustee account and distribution.

Current status is needed.

☎ Remote telephonic appearances are strongly encouraged.

11. S-PR-0010191 Godager, Laurie Jean; In re the Estate of

Missing waivers of bond by Ben Goadager, Marcie Chavez, Leslie Matthews, Angela Wooden.

12. S-PR-0010392 Joan I Holberg Liv Trust; In re the

Appearance is required for continued trust hearing.

Current status is needed.

☎ Remote telephonic appearances are strongly encouraged.

13. S-PR-0010414 L Catherine Tyrrell Trust; In re the

Revised trust account

Revised trust account is recommended for approval as prayed.

Request to modify irrevocable trust

Appearance is required for continued hearing on request to modify irrevocable trust.

Court determination is needed as to prior recommendation concerning appointment of a guardian ad litem.

☎ Remote telephonic appearances are strongly encouraged.

14. S-PR-0010451 Jenkins, Kimberly Jo - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

15. S-PR-0010473 Itow, Tetsuo A. - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

16. S-PR-0010475 Parra, Enrique Lara - In Re the Estate of

Missing notice of hearing on petition to administer estate. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

Missing required allegations at ¶ 5a(3)-(4) (RDP), (5)-(6) (child(ren)), and (7)-(8) (issue of predeceased child(ren)).

Missing relationship(s) of James Stutter and Janet Lignets to decedent (see ¶ 8).

Missing request for bond or waiver(s) of bond (see ¶ 1d).

Note: missing Duties form (DE-147); clerk cannot issue letters until Duties form is filed, C.R.C. 7.150.

17. S-PR-0010519 Mahoney, Ted; In re estate of

Petition to administer estate is recommended for approval as prayed.